	Application No.	**Applicant(s)**
Notice of Allowability	10/635,728	CHESS ET AL.
	Examiner	**Art Unit**	
	Cheryl Lewis	2167	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to <u>December 21, 2006 and February 27, 2007</u>.

2. ☒ The allowed claim(s) is/are <u>1-33</u>.

3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some*   c) ☐ None   of the:

        1. ☐ Certified copies of the priority documents have been received.

        2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

        3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

    * Certified copies not received: _____ .

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

    (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached

        1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____ .

    (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of

    Paper No./Mail Date _____ .

    Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)

2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)

3. ☒ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date <u>2/27/07</u>

4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

5. ☐ Notice of Informal Patent Application

6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____ .

7. ☒ Examiner's Amendment/Comment

8. ☒ Examiner's Statement of Reasons for Allowance

9. ☐ Other _____ .

DETAILED ACTION

1.   Claims 1-21 are allowed.

EXAMINER'S AMENDMENT

2.   An examiner's amendment to the record appears below. Should the changes

and/or additions be unacceptable to applicant, an amendment may be filed as provided

by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be

submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in an interview with

David O'Neill on March 13, 2007.

3.   Claims 1, 13, 18, 20, 29, 30, and 31 have been amended as follows:

> 1.   (Currently amended)   A performance prediction system,
> comprising:
>
> at least one memory to store a plurality of computer program components, the
> computer program components further comprising:
>
> > a query component for receiving performance queries submitted by
> >
> > users for data relevant to the probability that transactions
> >
> > with entities of interest will be successful;
> >
> > a data gathering component for deriving query-relevant data from
> >
> > the submitted performance queries, where at least part of

the query-relevant data is derived from information reflected

in the performance queries,[[;]] and for storing the query-

relevant data;

a query fulfillment component for providing data relevant to the

probability that transactions with entities of interest will be

successful to the users submitting performance queries, the

data provided by the query fulfillment component to users

through a communications interface; and

a meta-query component for receiving meta-queries from users,

wherein the meta-queries seek enhanced performance prediction

information,[[;]] for querying the stored query-relevant data to

gather the enhanced performance prediction information,

and for providing the enhanced performance prediction

information through a communications interface to users

submitting the meta-queries; and

at least one data processor to execute the computer program components.

13.   (Currently amended) A performance prediction service accessible by a

user over a data communications network, said service comprising:

a computer readable storage device, the computer readable storage device

storing a computer readable program, wherein when the computer

readable program is executed by a data processor operations are

performed, the operations comprising:

using knowledge acquired in responding to previously submitted <u>performance</u> queries

which sought data relevant to the probability that a transaction with an entity of interest

would be successful when making predictions concerning the future performance of the

entity of interest, ~~wherein the submitted queries were submitted by users who were~~

~~considering transacting business with the entity of interest;~~

saving the predictions; and

providing the predictions to users submitting later <u>meta</u>-queries, the

predictions provided through a communications interface;

and

a data processor to execute the computer program.

18.   (Currently amended) A performance prediction system, comprising:

at least one memory ~~to store~~ <u>storing</u> a plurality of computer program

components, the computer program components further comprising:

a query component for receiving performance queries from users, where

the performance queries seek performance prediction data

concerning entities of interest; for collecting the performance

prediction data and for providing the performance prediction data to

users through a communications interface;

a source of performance prediction data, the source coupled to the query

component;

a data gathering component for deriving query-relevant data from submitted

performance queries and for storing the query-relevant data in a

submitted query database, where at least part of the query-relevant data is

derived from information contained in the submitted performance

queries;

a meta-query component coupled to the submitted query database for

receiving meta-queries from users seeking enhanced performance

prediction data; for accessing the query-relevant data to produce

enhanced performance prediction information derived from query-

relevant information, and for providing the enhanced performance

prediction data to users through a communications interface; and

at least one data processor to execute the components of the computer program.

20.   (Currently amended) A computer program product comprising a computer

readable storage device storing a computer readable program, the computer readable

program configured to provide performance prediction information when executed by a

data processor, wherein operations are performed when the computer readable

program is executed by the data processor, the operations comprising:

receiving performance queries from users regarding at least one entity of interest,

wherein the performance queries seek data relevant to the probability that a

future transaction with the entity of interest will be successful, ~~wherein the users~~

~~are considering transacting business with the entity of interest~~;

using knowledge acquired when responding to previously submitted <u>performance</u>

queries which sought data relevant to the probability that a transaction

with the entity of interest would be successful ~~when making~~ <u>to make</u>

predictions concerning the future performance of the entity of interest;

saving the predictions; and

providing the predictions to users submitting <u>meta-</u>queries, the predictions

provided through a communications interface.

29.　　(Currently amended) A computer program product comprising a computer

readable storage device storing a computer readable program, the computer readable

program configured to perform operations when executed by a data processor, the

operations comprising: receiving <u>performance</u> queries submitted by users for

performance prediction information concerning an entity of interest, ~~wherein the users~~

~~are considering transacting business with the entity of interest~~; collecting query-relevant

data from the submitted queries; storing the query-relevant data; receiving a meta-query

seeking enhanced performance prediction information concerning the entity of interest

from a user; and using at least some of the query-relevant data to provide enhanced

performance prediction information concerning the entity of interest to the user through

a communications interface.

30.   (Currently amended)   A computer-implemented system for producing enhanced performance prediction information, the system comprising: means for receiving submitted <u>performance</u> queries, wherein the queries seek data relevant to a probability that a transaction with an entity of interest will be successful, ~~wherein the queries are submitted by users, and wherein the users are considering transacting business with the entity of interest~~; means for deriving query-relevant data from the submitted queries, where at least part of the query-relevant data is derived from information contained in the submitted queries; memory means for storing query-relevant data; means for receiving meta queries submitted by users, the meta queries seeking enhanced performance prediction information; and data processor means for producing enhanced performance prediction information that comprises the query-relevant data and for providing the enhanced performance prediction data to users submitting queries, the enhanced performance prediction data provided through a communications interface.

31.   (Currently Amended) A computer-implemented system comprising:

a performance prediction service for receiving <u>performance</u> queries seeking

  performance prediction information concerning an entity of interest,

  ~~wherein the queries are submitted by users, and wherein the users are~~

  ~~considering transacting business with the entity of interest,~~ and for

  providing performance prediction information in response to the received

  <u>performance</u> queries; <u>and</u>

a communications device for operation with the performance prediction service,

comprising a communications interface configured to submit for submitting

a meta-query to the performance prediction service and to receive for

receiving enhanced performance prediction information from the

performance prediction service in response to the metaquery.

REASONS FOR ALLOWANCE

4.   The following is a statement of reasons for the indication of allowable subject

matter:

The prior art of record does not render obvious to one ordinarily skilled in the art

at the time of applicant's invention nor anticipate the combination of claimed elements

including 'a query component for receiving performance queries submitted by users for

data relevant to the probability that transactions with entities of interest will be

successful'; 'a data gathering component for deriving query-relevant data from the

submitted performance queries, where at least part of the query-relevant data is derived

from information reflected in the performance queries, and for storing the query relevant

data'; and 'a meta-query component for receiving meta-queries from users, wherein the

meta-queries seek enhanced performance prediction information; for querying the

stored query-relevant data to gather the enhanced performance prediction information,

and for providing the enhanced performance prediction information through a

communication interface to users submitting the meta-queries' as recited in independent

claim 1 and similarly recited in independent claims 18, 29, 30, 31, and 33.

As per claim 13, the prior art of record does not teach the combination of elements read in light of the specification including 'saving the predictions; and providing the predictions to users submitting later meta-queries, the predictions provided through a communications interface' and similarly recited in independent claim 20.

The remaining claims, 2-12, 14-17, 19, 21-28, and 32, are dependent claims, thus these claims are patently distinct over the prior art of record for at least the above reasons.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

NAME OF CONTACT

5.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheryl Lewis whose telephone number is (571) 272-4113. The examiner can normally be reached on 6:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cottingham can be reached on (571) 272-7079. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

(571) 273-4113 (Use this FAX #, only after approval by Examiner, for

"INFORMAL" or "DRAFT" communication. Examiners may request that a formal

paper/amendment be faxed directly to them on occasions.).

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the receptionist/ Technology Center (571) 272-2100.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov.

Should you have questions on access to the Private PAIR system, contact the

Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Cheryl Lewis
Patent Examiner
March 18, 2007